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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Armenia,* Austria,* Belgium, Bosnia and Herzegovina,* Botswana, Bulgaria,* Chile,* Cyprus,* Czechia,* Denmark,* Finland,* France, Georgia, Germany, Greece,* Haiti,* Honduras,* Iceland,* Indonesia, Ireland,* Israel,* Italy,* Liechtenstein,* Luxembourg,* Malta,* Mexico, Montenegro,* Netherlands, Panama, Peru,* Poland,* Portugal, Republic of Moldova,* Romania,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia, Ukraine,* United States of America:* draft resolution

33/... Equal participation in political and public affairs

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all relevant General Assembly and Human Rights Council resolutions on participation in political and public affairs, in particular Council resolutions 24/8 of 26 September 2013 on equal political participation, 27/24 of 3 October 2014 and 30/9 of 1 October 2015 on equal participation in political and public affairs,

Reaffirming that every citizen shall have the right and the opportunity, without any of the distinctions stipulated in the International Covenant on Civil and Political Rights and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives, and to have access, on general terms of equality, to public service in his or her country, as well as to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and held by secret ballot,

* State not a member of the Human Rights Council.

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guaranteeing the free expression of the will of the electors, and reaffirming also that the will of the people shall be the basis of the authority of government,

Reaffirming also that no distinctions are permitted among citizens in the enjoyment of the right to participate in the conduct of public affairs on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability,

Emphasizing the critical importance of equal and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic development and advancing gender equality, and for the realization of all human rights and fundamental freedoms,

Reaffirming that the active participation of women, on equal terms with men, at all levels of decision-making, is essential to the achievement of equality, inclusive economic growth and sustainable development, the rule of law, peace and democracy,

Recognizing that the rights of everyone to freedom of expression, to peaceful assembly, to freedom of association, to education, and access to information, as well as inclusive economic empowerment, are among the essential conditions for equal participation in political and public affairs and must be promoted and protected,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] which recognizes equal participation as a vital principle for achieving sustainable development, eradicating poverty and the realization of all human rights,

Recognizing the need for further work on the full and effective implementation of the right to participate in public affairs in the context of article 25 of the International Covenant on Civil and Political Rights, including by identifying possible gaps in existing guidance on the implementation of this right,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights, the special procedures, the treaty bodies and other relevant human rights mechanisms on identifying and addressing obstacles to the full implementation of the right to participate in public affairs,

1. *Expresses concern* that, despite progress made towards the full implementation of the right to participate in public affairs worldwide, many people continue to face obstacles, such as discrimination, including multiple and intersecting forms of discrimination, in the enjoyment of their right to participate in the public affairs of their countries as well as in the enjoyment of other human rights that enable it;

2. *Recognizes* that women, persons belonging to marginalized groups or minorities, and persons in vulnerable situations are among those who are most affected by discrimination in participation in political and public affairs;

3. *Reaffirms* the obligation of States to take all appropriate measures to ensure that every citizen has an effective right and opportunity to equal participation in public affairs;

4. *Notes* the emergence of new forms of participation and grass-roots engagement, in particular through new information and communications technology and social media, and the challenges to established forms of political participation in some States;

[1] General Assembly resolution 70/1.

5. *Welcomes* the expert workshop on existing guidance on the implementation of the right to participate in public affairs, and on challenges, gaps, opportunities, new developments, trends and innovations with respect to full, effective and equal participation in political and public affairs, organized by the Office of the United Nations High Commissioner for Human Rights, held on 18 May 2016, and the summary report thereon ,[2] and the efforts and initiatives at all levels aimed at facilitating, in law and in practice, full and effective participation in political and public affairs;

6. *Urges* all States to ensure the full, effective and equal participation of all citizens in political and public affairs, including by, inter alia:

(*a*) Complying fully with their international human rights obligations and commitments and working to implement accepted universal periodic review recommendations with regard to participation in political and public affairs, including by reflecting them in their national legislative framework;

(*b*) Considering signing and ratifying or acceding to the International Covenant on Civil and Political Rights and other core international human rights treaties;

(*c*) Taking all necessary measures to eliminate laws, regulations and practices that discriminate, directly or indirectly, against citizens in their right to participate in public affairs on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability;

(*d*) Taking proactive measures to eliminate all barriers in law and in practice that prevent or hinder citizens, in particular women, persons belonging to marginalized groups or minorities, persons with disabilities and persons in vulnerable situations, from participating fully and effectively in political and public affairs, including, inter alia, reviewing and repealing measures that unreasonably restrict the right to participate in public affairs, and considering adopting, on the basis of reliable data on participation, temporary special measures, including legislative acts, aimed at increasing the participation of underrepresented groups in all aspects of political and public life;

(*e*) Taking appropriate measures to encourage publicly and promote the importance of participation of all citizens in political and public affairs, in particular women, persons belonging to marginalized groups or to minorities, and persons in vulnerable situations, including by engaging them in designing, evaluating and reviewing policies and legislation on participation in political and public affairs;

(*f*) Developing and disseminating accessible information and educational materials on the political process and relevant international human rights law provisions to facilitate equal participation in political and public affairs;

(*g*) Taking steps to promote and protect the voting rights of all those entitled to vote without any discrimination, including facilitation of voter registration and participation and the provision of electoral information and voting papers in a range of accessible formats and languages, as appropriate;

(*h*) Exploring new forms of participation and opportunities brought about by new information and communications technology and social media as a means to improve and widen, online and offline, the exercise of the right to participate in public affairs, and other rights directly supporting and enabling it, and sharing examples of good practices in the use and wide accessibility of information and communications technology tools for the enhancement of equal participation in political and public affairs;

[2] A/HRC/33/25

(*i*) Ensuring the rights of everyone to freedom of expression, peaceful assembly and freedom of association, education and development, and facilitating equal and effective access to information, media and communications technology in order to enable pluralistic debates fostering inclusive and effective participation in political and public affairs;

(*j*) Creating a safe and enabling environment for human rights defenders and civil society organizations, which together with other actors play a key role in the effective promotion and protection of all human rights;

(*k*) Providing full and effective access to justice and redress mechanisms to those citizens whose right to participate in public affairs has been violated, including by developing effective, independent and pluralistic national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

7. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goals 5 and 16, with the participation of all stakeholders;

8. *Requests* the Office of the High Commissioner to prepare concise and action-oriented guidelines as a set of orientations for States on the effective implementation of the right to participate in public affairs, as set out in article 25 of the International Covenant on Civil and Political Rights and as further elaborated on in other relevant provisions under international human rights law, and to present the draft guidelines to the Human Rights Council at its thirty-ninth session;

9. *Also requests* the Office of the High Commissioner to facilitate open, transparent and inclusive elaboration of the guidelines through consultations with States and with the participation of relevant United Nations agencies, funds and programmes, intergovernmental organizations, the Human Rights Committee and other treaty bodies, special procedures, regional human rights mechanisms, national human rights institutions, civil society organizations, academia and other relevant stakeholders, including through informal multi-stakeholder consultations at the regional level;

10. *Invites* the Office of the High Commissioner to consider examining in the draft guidelines, inter alia:

(*a*) Basic principles underpinning the effective implementation of the right to participate in public affairs;

(*b*) The effective implementation of all dimensions of the right to participate in public affairs for all rights holders, without discrimination or distinction of any kind, including at the national level, in all phases of the electoral process, between elections, outside the political process in the conduct of public affairs, and in access to public service, and on the participation of citizens, individually and in association with others, at the supranational level, including within international organizations;

(c) Cooperation and assistance aimed at the effective implementation of the right to participate in public affairs, including through electoral assistance and observation;

(*d*) Model standards advancing the effective implementation of the right to participate in public affairs based on examples of best practices;

(*e*) Emerging and new forms of participation, in particular through new information and communications technology and social media;

11. *Requests* the Office of the High Commissioner to provide an oral update to the Human Rights Council at its thirty-sixth session, seeking the views of States on the content and the preparation of the guidelines, including proposals on how effective

implementation of the right to participate in public affairs could be promoted further through the United Nations system;

12. *Decides* to remain seized of the matter.